

### **REMARKS/ARGUMENTS**

The final Office Action of August 16, 2007, has been reviewed and the following remarks are responsive thereto. Claims 21, 23, 26, 29, 32, 35-37, 41, 43 and 44 have been amended. Claims 46-50 have been cancelled. Claims 51-54 have been added. Claims 21, 23-26, 29-32, 35-37, 41-45 and 51-54 are pending upon entry of the present amendment. Reconsideration and allowance of the instant application is respectfully requested.

#### ***Claim Rejection Under 35 U.S.C. §103(a)***

Claims 21-26, 29-32, 35-37 and 41-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka *et al.* (U.S. Patent No. 5,926,756, "Piosenka") in view of Shanahan (U.S. Patent No. 7,149,509, "Shanahan"). This rejection is respectfully traversed.

Amended independent claim 21 recites, *inter alia*, prior to initializing a data transfer between a first portable device storing a plurality of personalized information and a second portable device, receiving a selection of a data category to be transferred from the first portable device to a second portable device. Moreover, a second set of personalized information to be transferred from the first portable device to the second portable device is selected from a first set of personalized information received from the first portable device based on the selected data category. Nowhere does Piosenka or Shanahan, either separately or in combination, teach or suggest such features. At most, Piosenka discloses the programming of features and settings into a cellular phone. Abstract. Further, Piosenka describes software that is able to transfer configurations from one phone to another. Nonetheless, nowhere does Piosenka teach or suggest selecting a data category to be transferred from one phone to another ***prior to the initialization of the data transfer***, much less selecting a second set of personalized information for transferring to a second device from a first set of personalized information based on the selected category. Shanahan fails to cure these deficiencies of Piosenka. Accordingly, notwithstanding whether the asserted combination is valid, the asserted combination would not have resulted in the features recited in claim 21. Claim 21 is thus allowable for at least these reasons.

Additionally, claim 21 further recites modifying data to be transferred from a first device to a second device in accordance with data field size information of one or more data fields included in a data record of the second device, wherein the data record corresponds to at least

one of: a calendar, a phonebook, a message box and a call register. Nowhere does either Piosenka or Shanahan, either separately or in combination, teach or suggest such features. The Office Action asserts that it would have been obvious to one of ordinary skill in the art that text files (i.e., WML text files) would be either the phone book or the message box. The Office Action references col. 3, ll. 44-63 of Shanahan for the alleged teaching of WML text files. However, nowhere does Shanahan support the Office Action's assertions. While Shanahan discloses WML text files, nowhere does Shanahan teach or suggest that such WML text files constitute phonebooks or message boxes. If the Office Action is asserting Official Notice, Applicants respectfully request proper support. While the Office Action also alleges Piosenka provides support for phonebook data *being transferred from one device to another*, no support is given. As such, claim 21 is allowable for this additional reason.

Amended independent claims 29, 35 and 41 recite features similar to those discussed above with respect to claim 21 and are thus allowable for substantially the same reasons as claim 21.

Claims 23-26, 29-32, 35-37 and 42-45 are dependent on claims 21, 29, 35 and 41, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein. For example, claim 44 recites, *inter alia*, "modifying the first data record in accordance with the data field size information includes truncating at least a portion of the first data record." Contrary to the Office Action's assertions, nowhere does Piosenka or Shanahan, either separately or in combination, teach or suggest such features. The Office Action asserts that Shanahan teaches "truncating at least a portion of the data first record" at col. 3, lines 44-64. However, the cited passage merely relates to converting between format types (e.g., from MIDI to WAV or MPEG). There is no teaching or suggestion in Shanahan of truncating a portion of the data record as part of the conversion or at all. Accordingly, claim 44 is also allowable for this additional reason.

### ***New Claims***

Claims 51-54 have been added. While claims 51-54 have not been rejected, Applicants submit the following remarks in the interest of expediting prosecution.

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Claim 51 recites features similar to those discussed above with respect to claim 21 and is thus allowable for substantially the same reasons as claim 21. Claims 52-54 are dependent on claim 51 and are thus allowable for the same reasons as claim 51.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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